

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Civil Action File No. 1:09-CV-749

JAN CHRISTOPHER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b><u>JOINT RULE 26(f) REPORT</u></b>
	)	
CMH HOMES, INC.,	)	
	)	
Defendant.	)	
_____	)	

Pursuant to Fed. R. Civ. P. 26(f) and LR 16.1(b), Plaintiff Jan Christopher and Defendant CMH Homes, Inc. submit this Joint Rule 26(f) Report for consideration by the Court.

1. Meeting. A telephone conference was held on November 24, 2009 in which Nancy P. Quinn, attorney for Plaintiff, and T. Matthew Creech, attorney for Defendant, participated.

2. Discovery Plan. The parties propose to the Court the following discovery plan.

Discovery will be needed on the following subjects:

- a. Plaintiff's allegations as set forth in her Complaint;
- b. Plaintiff's alleged damages and Plaintiff's efforts to mitigate her damages;

- c. Defendant's defenses as set forth in its Answer and any other defenses that may become applicable during discovery;
- d. All other issues raised by the pleadings;
- e. Any expert disclosures; and
- f. All other matters that will reasonably lead to the discovery of admissible evidence.

The parties propose and agree that the appropriate case management track for this case (with stipulated modifications set forth below) is that designated in Local Rule 26.1(a) as Complex.

The date for the completion of all discovery (general and expert) is June 1, 2010.

There are no stipulated modifications to the case management track.

Reports from retained experts under Rule 26(a)(2) are due during the discovery period as follows:

- a. From Plaintiff by February 15, 2010.
- b. From Defendant by March 29, 2010.

Supplementations under Rule 26(e) known at that time must be received by the opposing party on or before April 16, 2010 (which is 45 days prior to the close of discovery) to allow for follow-up discovery within the discovery period. If supplementation is required after the completion of discovery, such supplementation shall be made as soon as reasonably possible.

3.     Mediation. Mediation will be held midway in the discovery period, the exact date to be set by the mediator after consultation with the parties. The parties agree that the mediator will be Ann Anderson.

4.     Preliminary Deposition Schedule. The parties agree to confer and attempt to schedule any depositions on mutually agreeable dates during the discovery period. The parties further agree:

- a.     Depositions will be scheduled after the receipt of Rule 26(a)(1) initial disclosures.
- b.     Plaintiff and Defendant shall make retained experts available for deposition as soon as possible after submission of each expert's report.

5.     Other Items.

Plaintiff should be allowed until January 8, 2010 to request leave to join additional parties or to amend his pleadings. Defendant should be allowed until February 5, 2010 to request leave to join additional parties or to amend its pleadings. After these dates, the Court will consider, *inter alia*, whether the granting of leave would delay trial.

The parties have discussed special procedures for managing this case, including reference of the case to a magistrate judge on consent of the parties under 29 U.S.C. § 636(c), or appointment of a master. The parties do consent to the reference of this case to a magistrate judge under 28 U.S.C. § 636(c) and will submit the requisite consent form to the Clerk of Court.

Trial of this action is expected to take approximately 4 days. A jury trial has not been demanded.

This 25th day of November, 2009.

/s/ Nancy P. Quinn

Nancy P. Quinn

N.C. State Bar No. 16799

*Attorney for Plaintiff*

THE QUINN LAW FIRM

315 Spring Garden Street, Suite 1D

Greensboro, North Carolina 27401

Telephone: (336) 272-9072

Facsimile: (336) 272-2289

Email: npquinn@triadbiz.rr.com

/s/ Patti W. Ramseur

Patti W. Ramseur

N.C. State Bar No. 26817

*Attorney for Defendant*

SMITH MOORE LEATHERWOOD LLP

300 N. Greene St., Suite 1400

Greensboro, North Carolina 27401

Telephone: (336) 378-5304

Facsimile: (336) 433-7418

E-mail: patti.ramseur@smithmoorelaw.com

/s/ T. Matthew Creech

T. Matthew Creech

N.C. State Bar No. 32638

*Attorney for Defendant*

SMITH MOORE LEATHERWOOD LLP

300 North Greene Street, Suite 1400

Greensboro, NC 27401

Telephone: (336) 378-5552

Facsimile: (336) 433-7587

Email: matt.creech@smithmoorelaw.com

### **ELECTRONIC FILING CERTIFICATE**

Pursuant to Procedure I.(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, the undersigned attorney, who is authorized to electronically file documents in this Court, certifies that the content of the document is acceptable to all persons required to sign the document and that all such persons have given their explicit consent for the undersigned filing attorney to affix their signatures as “s/(attorney name)” and to submit the document electronically.

The 25th day of November, 2009.

/s/ T. Matthew Creech

T. Matthew Creech

N.C. State Bar No. 32638

*Attorney for Defendant*

SMITH MOORE LEATHERWOOD LLP

300 North Greene Street, Suite 1400

Greensboro, NC 27401

Telephone: (336) 378-5552

Facsimile: (336) 433-7587

Email: matt.creech@smithmoorelaw.com